Surveillance Impact Report

AXON Body Worn Camera
San Diego Police Department

DESCRIPTION

Body Worn Cameras (BWC) are small, front-facing cameras worn on the chest of sworn San Diego Police personnel. When activated by the officer, the camera will record audio and video of the incident, which is later uploaded to Evidence.com.

PURPOSE

Law enforcement's use of body worn cameras has proven effective in reducing violent confrontations and complaints against officers. Cameras provide additional documentation of police/public encounters and are an essential tool for collecting evidence and maintaining public trust. Body Worn Cameras shall be used to capture audio and visual evidence for investigations and enforcement encounters.

LOCATION

Sworn personnel who are issued a BWC will keep their BWC at their assigned station while off-duty and on their person while conducting a police function where a BWC is required.

Officers will utilize the BWC throughout the city of San Diego.

City of San Diego crime statistics can be viewed at:

- Crime Statistics & Crime Mapping | Police | City of San Diego Official Website.

IMPACT

Surveillance technology's uses and deployments are not based on discriminatory or viewpoint-based factors. The Department's use of surveillance technology is intended to support and benefit the communities of San Diego while minimizing and mitigating potential impacts to community members' civil rights and civil liberties. Law enforcement's use of body worn cameras has proven effective in reducing violent confrontations and complaints against officers. Cameras provide additional documentation of police/public encounters and are an important tool for collecting evidence and maintaining public trust. Body Worn Cameras shall be used to capture audio and visual evidence for investigations and enforcement encounters.

MITIGATIONS

Axon Cloud Services system access control mechanisms are maintained in compliance with the specific Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) security requirements. Access control to the system is limited to authorized users and uses multiple factors for authentication. Evidence data is encrypted at rest and in transit. Axon maintains key management practices for managing the encryption keys.

The collection, use, retention, or dissemination of data shall not be used to violate the Constitutional rights of any person or be used in any manner that would discriminate against any person based upon their

ethnicity, race, gender, natural origin, religion, sexual orientation or gender identity. The surveillance use policy for the AXON Body Worn Camera puts in place procedural measures specifying when the equipment may be used, safe storage requirements, and an approval process to ensure that policy is adhered to.

DATA TYPES AND SOURCES

Sworn personnel who are issued a BWC shall use the Event Mode to record enforcement related contacts. Enforcement related contacts include the following: traffic stops, field interviews, detentions, arrests, persons present at radio calls who are accused of crimes, and consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter. Consensual searches are also recorded by DP 4.01 – Stop/Detention and Pat Down Procedures.

Sworn personnel shall use the Event Mode to record enforcement related contacts. The Event Mode shall be activated prior to actual contact with the citizen or as soon as safely possible thereafter and continue recording until the contact is concluded or the contact transitions from an enforcement contact to intelligence gathering.

Sworn personnel shall begin recording in the Event Mode while driving to a call that potentially involves an enforcement contact. Sworn personnel shall begin recording in the Event Mode while covering another City employee or law enforcement officer during an enforcement contact, including, but not limited to, PISOs, Parking Controllers, etc.

Department Policies associated with the use of Axon Body Worn Cameras are:

- DP 1.49 – Axon Body Worn Camera

The Axon Body 3 camera is designed to record events for secure storage, retrieval, and analysis of the Axon Evidence.

The recorded events are transferred to a storage solution using the Axon Body 3 Dock. Additionally, the Axon View application enables playback of footage on a smart device for review prior to storing the data.

DATA SECURITY

Axon Cloud Services system access control mechanisms are maintained in compliance with the specific Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) security requirements. Access control to the system is limited to authorized users and uses multiple factors for authentication.

Evidence data is encrypted at rest and in transit. Axon maintains key management practices for managing the encryption keys.

Axon maintains policies and practices for Axon Cloud Services that limit remote access to only required individuals and require at least two factors for authentication.

FISCAL COST

The San Diego Police Department has a three-year contract for $2,350,411.03 annually. The contract costs include cameras, hardware, Evidence.com storage, and licensing fees.

THIRD PARTY DEPENDENCE

Detectives are responsible for reviewing, updating, and tracking digital evidence associated with their assigned cases.

Detectives and personnel assigned to investigative assignments are responsible for forwarding BWC video evidence to either the District Attorney or City Attorney Evidence.com accounts. Digital evidence will be submitted at the same time the case file is submitted for prosecutorial review.

BWC video is shared with other law enforcement agencies regarding criminal investigations through Evidence.com. Internal investigation requests from other agencies require a subpoena.

ALTERNATIVES

Although AXON is not the only body worn camera manufacturer, other companies did not offer the same service in terms of technology, equipment, data protection, data storage, and customer service. Since the San Diego Police Department is an established AXON customer, it would be costly and time-consuming to switch to another company without doing a new RFP.

TRACK RECORD

Law enforcement's use of body worn cameras has proven effective in reducing violent confrontations and complaints against officers. To date, there have been more than 6.2 million videos recorded. Cameras provide additional documentation of police/public encounters and are an essential tool for collecting evidence and maintaining public trust.

PUBLIC ENGAGEMENT AND COMMENTS

The was a community meeting held at the Anchor Church on Pentecost Way that was live streamed via Zoom to eight other locations, one in each Council District throughout the city. Each location had representatives from the San Diego Police Department to assist with coordinating questions and feedback from the community. In all, there were a total of **28** community members present at the nine locations.

To maximize the reach of the materials presented at the community meetings the Department added them to their webpage at the following web address:

- www.sandiego.gov/police/technology

The Department video recorded the live streamed meeting so that it could be presented to a larger audience. The benefit of the video was the capability of translating the presentation into other languages such as Spanish, to maximize penetration of the materials to affected groups.

The link to the video is at the below web address:

- (3) Body Worn Cameras Community Meeting – July 6, 2023 - YouTube

The questions asked from the community members came largely from the Privacy Advisory Board members who were present. There were a total of **7** questions and **1** comment in all. See the below list of questions.

- Explain public access and transparency of BWC video footage to the public.
    - There is a delicate balance between transparency and preservation of evidence for due process rights. There are legal mandates we follow and are available on our website. Chief also has the discretion to release video footage in certain situations.
- Do Officers look at the video and then write their report or do they write their report and then watch the video?
    - Officers are asked to watch the video and then write their report. If there are discrepancies, they should be documented per procedure.
- How do you treat sensitive locations with BWC video? What is the retention schedule? Where are they stored?
    - We do not record in sensitive locations like hospitals or mental health facilities unless enforcement action is taking place. Officers only try to capture the enforcement action and not the other bystanders or conversations. We do record on Domestic Violence, Sex Crimes, Child Abuse, and Elder Abuse calls for evidentiary reasons. Retention schedule is 60 days for accidental activation. Minimum for two years up to infinity for enforcement actions for some cases. We have unlimited storage with Evidence.com.
- Auditing. How often and who is doing the auditing? Is there outside audits?
    - Supervisors audit their staff every month. They pick two random days to inspect the videos. No outside audits (by private vendor) are conducted.
- How are these cameras different from the ones being used right now?
    - The cameras we currently use are not new. We are in the process of obtaining a new contract. It is probable, new updated cameras will be made available at a later time when a new contract is in place.
- Comment: BWC's are used to collect community members interaction with the police. The cameras are a tool for transparency. Recommend the continued use of BWC's.

- In the event of a discrepancy on statements, recorded or noted. How is that reconciled?
    - It depends on the totality of circumstances. Human error or a mistake of the heart can be addressed with training. Misconduct is handled with appropriate discipline.
- If something is said that is not fully recorded or it is hard for the officers to recollect. Has that situation come up?
    - Officers are obligated to tell the truth. Officers use these cameras daily. It is a part of their routine and training in the academy. If there are intentional violations of the BWC procedure, Internal Affairs or a Supervisors Investigation can conduct the investigation.

Online comments and questions were also collected during this process. A portal to submit questions or comments was provided online, from June 13, 2023, through July 13, 2023 via the San Diego Police Department's website at:

AXON Body Worn Camera link:

- https://www.sandiego.gov/police/datatransparency/technology/view?tech=AXON%20Body%20Worn%20Camera

Evidence.com link

- https://www.sandiego.gov/police/data-transparency/technology/view?tech=Evidence.com

In conjunction with the online recording of the presentation, the online comments and questions portal provided 24-hour accessibility to provide feedback for those unable to attend the community meetings in person. There were two comments.